

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014020113

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On March 11, 2014, the parties filed a joint second request to continue the dates in this matter for approximately 60 days.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. Student's recent retention of counsel to represent Student constitutes good cause for a short continuance. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation: May 13, 2014 at 9:30 AM

Prehearing Conference: June 30, 2014 at 1:00 PM
[Note time change, consistent with OAH scheduling practices.]

Due Process Hearing: July 9-10, 2014 at 9:30 AM the first day, 9:00 AM after, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: No further continuances are not contemplated given the age of this case. By the dates set, the parties will have had ample opportunity to have conducted observations and settlement negotiations.

The hearing dates chosen are typically break or vacation days for school staff. By stipulating to these dates, the parties represent that they will have counsel and party representatives ready to proceed, and necessary witnesses available to testify, on the dates chosen. No further continuances are contemplated due to party or witness unavailability on these dates.

IT IS SO ORDERED.

DATE: March 12, 2014

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings